DOCUMENT RESUME

ED 330 090 EA 022 815

TITLE Manual for Public School Facilities Fire Prevention and Fire Inspections. Revised .
INSTITUTION New York State Education Dept., Albany.
REPORT NO NYSED-90-7788
PUB DATE 90
NOTE 44p.; Supersedes ED 257 219.
PUB TYPE Guides - Non-Classroom Use (055) -- Legal/Legislative/Regulatory Materials (090)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Annual Reports; Early Childhood Education; Educational Facilities Design; *Educational Legislation; Elementary Secondary Education; Facility Requirements; *Fire Protection; Government Publications; Government School Relationship; Higher Education; *Inspection; Legal Responsibility; *Public Schools; School Safety
IDENTIFIERS Boards of Cooperative Educational Services; *New York

ABSTRACT

Designed to provide instruction for New York State inspectors and school administrators completing the annual "Fire Safety Report," this document provides information regarding: (1) the Regulation and Code requirements; (2) inspection and enforcement processes; (3) disputes and procedures for appeal; and (4) financial considerations associated with correction of violations. Detailed instructions for completing the fire inspection report are also provided. Appendices include information on retroactive code provisions, fire inspection zones, and leased facilities as well as a formula for certificates of occupancy and the format for the violation correction plan. Also appended are Section 155.3 and Section 155.4 of the Regulations of the Commissioner of Education and Section 807-a of the Education Law: Fire Inspections (June 1982). (CLA)

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Manual

for

Public School Facilities

Fire Prevention and Fire Inspections

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THE STATE EDUCATION DEPARTMENT
Facilities Planning
Albany, New York 12230

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Public School Facilities

Fire Prevention and Fire Inspections

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Facilities Planning
Albany, New York 12230
Revised 1990

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CONTENTS

		PAGE
I.	INTRODUCTION	1
II.	FIRE SAFETY STANDARDS	1
	A. Regulation and Code Requirements	1
	B. Applicability	1
	C. References	2
III.	ENFORCEMENT OF FIRE SAFETY STANDARDS	2
	A. Fire Inspectors	2
	B. Fire Inspection Schedule	2
	C. Annual Certificates of Occupancy	3
	D. Temporary Certificates of Occupancy	3
	E. Revocation of Certificates of Occupancy	3
	F. Complaints About Fire Safety	3
IV.	FIRE INSPECTION PROCESS	3
	A. Outline for Planning	3
	B. Fire Inspection Procedures	4
V.	DIRECTIONS FOR COMPLETING FIRE INSPECTION REPORT	7
	A. Instructions for Part I	7
	B. Instructions for Part II	8
	C. Information Specific to Certain Sections in Part II	9
	D. Instructions for Certifications – Part III	10
VI.	DISPUTES AND PROCEDURES FOR APPEAL	11
VII.	FINANCIAL CONSIDERATIONS	11
APPENDICES		13
A.	Retroactive Code Provisions	13
B.	Section 155.3 – Regulations of the Commissioner of Education	14
C.	Fire Inspection Zones	19
D.	Section 807-a of the Education Law	23
E.	Section 155.4 of the Regulations of the Commissioner of Education	26
F.	Leased Facilities	27
G.	Formula for Certificates of Occupancy	28
H.	Format for Violation Correction Plan	29
I.	Ignition Factor	30
J.	Section 409-b of the Education Law	31
K.	Petition Instructions for Appeal to Board of Review	32

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MANUAL
FOR
PUBLIC SCHOOL DISTRICT FACILITIES FIRE INSPECTION REPORT

I. INTRODUCTION

School boards and Boards of Cooperative Educational Services (BOCES) must arrange for an annual inspection of each facility that they own, lease, or operate. An inspection report, the "Fire Safety Report," must be completed for each facility at the time of the annual inspection. This report combines the fire safety requirements of Section 155.3 of the Regulations of the Commissioner of Education, and the fire prevention standards of the State Fire Prevention and Building Code.

The Education Department issues annual Certificates of Occupancy for buildings which are in full conformance with Code and Regulation. Temporary certificates, valid for shorter periods, are issued if annual inspections reveal nonconformances which require time to correct. Where a report indicates the presence of nonconformances which represent a severe threat to life safety, a certificate will not be issued until corrections are made and the Superintendent of Schools certifies by letter that each violation has been corrected. A facility without a valid Certificate of Occupancy may not be occupied or otherwise used for the purpose for which it was used when the last valid certificate either lapsed or was revoked.

The entire process, from planning for the inspection through correction of nonconformances, requires careful preparation. This Manual is designed to provide instruction for the school administrator and the inspector for completing the report. It provides background information and details about the Code and Regulations, and explains the inspection and enforcement processes.

II. FIRE SAFETY STANDARDS

A. REGULATION AND CODE REQUIREMENTS

Health and safety requirements for public school facilities are contained in Section 155.3 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York (8 NYCRR 155.3), entitled, "Health and safety in existing educational facilities," and the New York State Uniform Fire Prevention and Building Code, 9 NYCRR 600-1250. The State Code contains three elements: (1) building construction standards; (2) retroactive requirements for areas of public assembly; and (3) fire prevention standards. An explanation of the application of these elements to school facilities follows.

1. Building Construction Standards

Chapter B (Parts 650-1102) of the Code contains standards for building construction. These standards apply to the construction of new buildings and to new work involved in Chapter E, entitled Conversions, Alterations, Additions and Repairs (Parts 1230-1234) and include facilities which have changed occupancy, or in which occupancies have become mixed since January 1984. In the case of school buildings, any more restrictive provisions of the State Education Department's Manual of Planning Standards or Section 155.3 also apply.

2. Retroactive Code Requirements

The retroactive code requirements providing for smoke detection systems in areas of public assembly in existing buildings are found in Part 794 of Chapter B of the Code. These requirements are not enforceable until the Legislature expressly authorizes such enforcement and provides financial incentives and assistance for the implementation of such provisions.

Since school officials may wish to implement or plan to implement these provisions prior to Legislative action, a list of the retroactive Code items is provided in Appendix A. However, implementation of retroactive provisions *prior* to Legislative action may jeopardize entitlement to financial or other incentives if and when they are authorized.

3. Fire Prevention Standards

Standards for fire prevention and fire safety in *existing* buildings are contained in Chapter C of the State Code (parts 1150-1197) and in Section 155.3 of the Regulations of the Commissioner of Education (8 NYCRR, Section 155.3 noted above). These standards represent the *minimum* requirements for fire safety in all existing public school facilities.

B. APPLICABILITY

The Uniform Code applies to *each and every* facility owned or operated by a school district or BOCES, except for those within New York City where the Code does not apply. It includes, but is not limited to school buildings, administration buildings, bus and maintenance garages, storage buildings and sheds, concession stands; and their premises. The Code also applies to all school grounds and to all activities held thereon. Section 155.3

of the Regulations of the Commissioner of Education applies to all school buildings owned or operated by a school district or BOCES except for those within New York City, Buffalo, Rochester, Syracuse and Yonkers. Therefore, school officials in the latter four districts are exempt from the requirements found in Section A of Part II of the annual fire inspection report. However, nothing precludes those districts from voluntarily bringing school facilities up to those standards.

C. REFERENCES

1. The New York State Uniform Fire Prevention and Building Code is available from:

Lenz and Riecker, Inc.
One Columbia Avenue
Albany, New York 12207
Telephone: (518) 436-8647

2. Section 155.3 of the Regulations of the Commissioner of Education is provided in Appendix B.

III. ENFORCEMENT OF FIRE SAFETY STANDARDS

The State Education Department is responsible for enforcing fire safety standards in public school districts and BOCES. The Department enforces Section 155.3 of the Regulations of the Commissioner of Education under authority provided by the State Education Law. Pursuant to the provisions of Part 441 of Title 19 NYCRR, the Education Department is responsible for the administration and enforcement of the State Fire Prevention and Building Code with respect to buildings, premises, and equipment which is in the custody of or activities related thereto undertaken by school districts and BOCES.

Municipal officials, including building inspectors and fire officials, are not authorized to enforce the State Code in public school facilities or on public school premises, nor are municipal officials authorized to apply any other local building and/or other fire safety standards to public school facilities and premises.

A. FIRE INSPECTORS

Each board of education is responsible for appointing qualified individuals to perform the annual fire inspection and any other fire inspection which may be required by the State Education Department.

Qualifications of fire inspectors have been established by the Office of the State Fire Administrator. After July 1, 1988, all school district inspections must be performed by a code enforcement officer who has been certified by the Office of the State Fire Administrator of the Department of State. Certification must be either through completion the Department of State Basic Code Enforcement training program, or through individual evaluation of experience and training. Inspectors may not be regular employees of the school district or BOCES in which the facilities they inspect are located.

B. FIRE INSPECTION SCHEDULE

Annual fire inspections are required for all public school district and BOCES facilities. The fire inspection calendar, established by the Commissioner of Education, divides the state into eleven numbered fire inspection zones. Inspections are made and reports are submitted by zones in numerical sequence, on a monthly rotational basis. All of the school districts within a single zone are evaluated during the same inspection period. A map of the fire inspection zones and a list of the school districts within each zone are included in Appendix C.

Each year, the inspection period for each zone is advanced by one month to assure that the facilities in that zone are evaluated at different times in succeeding years. For example, the inspection for a zone may commence in June of a given year. The next inspection cycle for that zone would commence in May of the following year.

The districts in each zone are allowed a 45-day period to complete the fire inspection process. Annual fire inspections may not be made prior to the commencement date. Fire inspection reports must be *received* at the State Education Department by the end of the inspection period.

School officials are advised to establish plans well in advance of the beginning of the inspection period in order to assure timely submission of inspection reports to the Education Department. Late filing will delay issuance of Certificates of Occupancy which are required to operate school facilities. School facilities may not be operated without a valid Certificate of Occupancy.

Fire inspections other than the annual inspection, may occur or may be required. For example, paragraph 7 of Section 807-a of the Education Law, "Fire Inspections" (see Appendix D), permits local fire officials to inspect public school facilities for fire prevention and fire protection purposes at any reasonable time. Insurance company inspectors may inspect schools in accordance with insurance company policy or procedures. Under certain circumstances, the Education Department may require a special inspection, at the expense, if necessary, of the local board of education.

C. ANNUAL CERTIFICATES OF OCCUPANCY

All public school districts and BOCES must display a Certificate of Occupancy in a prominent place near the main entrance of the facility. Public school facilities may not be occupied or be used for the purpose for which they are intended or any other purpose, unless a valid Certificate of Occupancy issued by the State Education Department is displayed appropriately.

Annual Certificates of Occupancy are valid for twelve months from the due date of the annual fire inspection report. They are issued for buildings whose reports indicate conformance to all applicable standards and for those whose reports indicate that all nonconformance items were corrected either prior to submittal or subsequent to issuance of a temporary Certificate of Occupancy. Annual certificates are also issued upon the reinspection and satisfactory report for a facility whose Certificate of Occupancy was withheld or revoked.

D. TEMPORARY CERTIFICATES OF OCCUPANCY

Temporary Certificates of Occupancy are issued for specific periods of time of 30, 60 and 120 days, depending on the estimated time to correct each nonconformance. See Item 10 of Part IV-B of this guide for an explanation of the time allocated for correction and a comparison of the relative severity of violation of each standard.

Temporary Certificates of Occupancy are issued following annual or other fire inspections required by the Education Department when certain violations of minimum fire safety standards cannot be corrected within a short period of time. After the nonconformances are corrected, an annual certificate will be issued; but in such cases the termination date of the annual certificate is not extended by the term of the temporary certificate.

E. REVOCATION OF CERTIFICATES OF OCCUPANCY

Certificates of Occupancy, including temporary certificates, may be revoked at any time one or more serious violations of minimum fire safety standards, or other conditions affecting the health and safety of building occupants are found in a facility or when several less serious violations are discovered, and the number of those violations appears to indicate a disregard for fire safety. Falsification of fire inspection reports will automatically result in revocation of Certificates of Occupancy.

A facility for which a certificate of occupancy has been revoked will not be issued a new certificate of occupancy until the nonconformances have been corrected, a follow-up fire inspection has been conducted and a report has been filed with the State Education Department. The scope of the inspection in such cases will be the same as for the annual fire inspection.

F. COMPLAINTS ABOUT FIRE SAFETY

Valid complaints received by the State Education Department about fire safety in public school facilities are investigated by the Department. To be valid, a complaint must relate to a violation of a specific provision of the Fire Prevention Code or requirement of Regulations of the Commissioner of Education. Lack of conformance with any other system of codes does not represent a violation of State Code or Regulation unless the State Code or Regulation is incorporated by reference.

Complaint files are maintained for each facility and a repetition of valid complaints for a single facility may result in the revocation of the Certificate of Occupancy for the facility.

In the course of investigating complaints, the Education Department may request local fire officials, or qualified inspectors, or other persons to inspect school facilities. Any costs attributable to such inspections shall be borne by the local school district or BOCES.

IV. FIRE INSPECTION PROCESS

A. OUTLINE FOR PLANNING

The major steps school officials should consider when planning for the annual fire inspections are listed below. A full explanation of each step follows the list. One report form must be completed for each school district facility.

1. Ascertain the inspection period established by the State Education Department; i.e., commencement date and ending date. (8 NYCRR, 155.4 (b))
2. Define facilities and set inspection dates. (8 NYCRR, 155.4 (a))
3. Obtain services of inspector. (8 NYCRR, 155.4 (b))
4. Schedule date, time and place of meeting with school board *prior* to inspection period commencement date.
5. Notify local fire official of the time, date and location of all fire inspections; and time, date and location of meeting with board of education. (Ed. Law, Section 807-a (5) (e))
6. Set the date for mailing completed reports to the State Education Department.
7. Complete Part I of the report.
8. Commence inspections – inspector to Complete Part II of the form. (Section A of Part II need not be completed by the City School Districts of Buffalo, Rochester, Syracuse and Yonkers. (Ed. Law Section 807-a))

9. Correct all violations which can be corrected before submitting reports. (8 NYCRR 155.4 (c))
10. Complete violation correction record.
11. Prepare plan for correcting violations which cannot be corrected prior to the meeting with board of education and fire official.
12. Convene the meeting between board of education and local fire officials. (Ed. Law Section 807-a (5)(a))
13. Approve plan for correcting violations. (8 NYCRR 155.4 (d)(3))
14. Send reports to SED; distribute reports. (Ed. Law Section 807-a (5)(a))
15. Provide public notice of inspections. (Ed. Law Section 807-a (5)(b)(c))
16. Correct violations. (8 NYCRR 155.4 (e)(3)(v)(vi))
17. Post certificates of occupancy.
18. Perform self-inspections periodically.

B. DETAIL OF FIRE INSPECTION PROCEDURES

The following procedures are derived from Section 155. 4 of the Regulations of the Commissioner of Education (8 NYCRR 155.4), entitled, "Fire and Building Safety Inspections." This section is provided in Appendix E.

1. Determination of Appropriate Inspection Period

The table in Appendix C provides the inspection period starting dates for each fire inspection zone. The table also indicates the dates by which completed reports must be filed with the State Education Department.

Annual inspections may not begin before the authorized commencement date. However, all inspections may be completed on the first day of the inspection period.

All reports must reach the State Education Department by the inspection period ending date. Reports not received on or before the inspection period ending date, are late. Certificates of Occupancy will not be issued until reports are processed. Students and employees may not occupy or otherwise use facilities in which a valid certificate is not posted.

2. Define Facilities and Set Inspection Dates

A facility is any free-standing building or structure, with walls and roof, which can be secured. It may be any combination of buildings or structures which are connected by an enclosed connector corridor. For example, a single facility may be comprised of several buildings connected by enclosed connectors or a facility may be a small storage shed, a bus garage, or a maintenance building. Facilities also include free-standing or manufactured buildings, greenhouses, barns, etc.

Campus arrangements are not generally considered to be one facility. Unless interconnected by enclosed connectors, a separate report is required for each campus building. It may be prudent in some cases to intentionally classify individual buildings within a large complex as discrete facilities although those buildings are in fact, connected, because the results of an inspection in one building will affect the Certificate of Occupancy of the total complex.

Several factors influence responsibility for facilities that school district and BOCES lease either to or from the private sector or any other entity. To determine who is responsible for inspection under these varying conditions, a description is provided in Appendix F.

Having determined the number of facilities in the district, set an inspection date for each one. However, the inspection may not start before the commencement date of the inspection period.

3. Obtain Services of Inspector(s)

Select an inspector who has been qualified to inspect public schools by the Office of the State Fire Administrator. Proof of the inspector's qualifications rests in the "Basic Code Enforcement Training Certificate" and an individual registry number issued by the State Fire Administrator upon completion of either the specific proscribed course of instruction or upon demonstration of experience and training. The inspector you choose may be your local code enforcement officer, a code enforcement officer from another jurisdiction, or a private contractor. If you cannot locate a certified inspector in your area, Section 807-a of the Education Law requires the county fire coordinator to make the inspection or cause it to be made.

It would be wise to shop around to get the best price for inspections. Inspection services do not have to be bid and prices may vary widely, depending on the location and size of a facility. Try to piggyback smaller facilities, such as sheds, etc. with their logical counterpart. However, remember that a separate report is required for each facility.

An employee of a school district, either full or part-time, regardless of qualifications, may not conduct the annual fire inspections, or other inspections ordered by the State Education Department.

4. Schedule Time, Date and Location of Meeting with School Board

When violations of the minimum standards for fire safety are discovered, paragraph 4-e of Section 807-a of

the Education Law requires that a meeting be held between the board of education, the inspector and the local fire official to discuss the violation(s) and remedies thereof.

It is wise to schedule this meeting well in advance of the inspection to assure that all parties can attend. If fire inspection results do not reveal violations, the meeting can then be cancelled.

5. Notify Local Fire Officials

When fire inspections are performed by other than a representative of the local fire department, paragraph 3-b of Section 807-a of the Education Law requires that school officials notify the local fire chief prior to the inspection of the time, date and location of the annual fire inspection. Local fire officials may accompany anyone retained by the board of education during the annual inspection.

6. Set Return Date

Establish the date by which the district will mail the completed fire inspection reports to the State Education Department The date selected should allow sufficient time for the reports to reach the Education Department on or before the ending date of the inspection period. Reports which reach the State Education Department after the ending date of the inspection period are late filed, as postmarks cannot be considered. Late filed reports may result in lapses of coverage of a valid Certificate of Occupancy. A school facility cannot be used unless a valid Certificate of Occupancy is posted on the premises.

7. Complete Part I of the Form

School officials must complete *all* of Part I-A of the Fire Safety Reports only at the time of the initial building inspection. The State Education Department records this information and, when distributing subsequent annual report forms, inserts a copy of the "Fire Biography", which is a printout of this record, with each blank report form. Examine this biography, and enter in Part I-A of the Fire Safety Report, only that information which has changed since the previous report, that which needs correction, or that which was previously omitted.

8. Commence Inspections – Inspector to Complete Part II of the Form

Inspections may begin as early as, but no sooner than, the first day of the inspection period; and they must be completed well in advance of the filing due date with the State Education Department.

City school districts of the cities of Buffalo, Rochester, Syracuse and Yonkers are, by Section 409 of the Education Law, exempt from the requirements of Part 155.3 of the Commissioner's Regulations. These districts need not complete Section A of Part II of the Fire Inspection Report.

9. Correct Violations

Any nonconformances which are discovered during the fire inspection represent violations of the minimum standards of fire safety that appear in Part 155.3 of the Regulations of the Commissioner of Education or the State Uniform Fire Prevention and Building Code and are recorded on the fire inspection form. No further notice of violation is required to alert school officials that a violation exists. Wherever practicable, all such violations should be corrected immediately.

The largest number of potential violations involve "housekeeping" items, such as improper storage, blocked exits and waste materials. Housekeeping items generally lend themselves to immediate correction.

The remedy for some violations involve structural modifications or service to be provided by vendors. Obviously, such matters cannot be corrected immediately and they require some time to correct. Nevertheless, these nonconformances violate the minimum standards for fire safety and must be corrected without undue delay.

10. Complete Violation Correction Record

In Part II of the form, fire standards appear on the left side of each page and a set of columns appear to the right. The last three digits of the column entitled "Code" represent a computer identification number for each fire standard. The first digit in the four digit sequence encodes each standard by relative degree of severity, and the time allocated, in days, for correction if that standard is in nonconformance. The following chart explains the meaning of the first digit (also see Appendix G for formulas):

First Digit	Relative Degree of Severity	Correction Time In Days
1	Minor	30
2	Minor	60
3	Minor	120
4	Major	30
5	Major	60
6	Major	120
7	Severe	30
8	Severe60	

The columns of boxes labeled, "Conformance," "Nonconformance," and, "Not applicable," are reserved for the

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inspector. If the inspector finds a violation, he or she checks the appropriate "nonconformance" box. School officials must never use these boxes or alter any entry made by an inspector. The column entitled, "Date Nonconformance Corrected" is a space for reporting the date on which a violation was corrected. This self-correction feature should be used by school officials to avoid unnecessary paper work and to assure timely receipt of Certificates of Occupancy. When, *and only when*, school officials *have corrected* the violation reported by the inspector, should they enter the date of correction by month, date and year. Entering a date opposite a violation indicates the violation has been corrected and no further action is necessary.

Violations which can be corrected immediately should be corrected before the required meeting between the board of education and the local fire official. All violations, including those already corrected, should be discussed at that meeting and the disposition of the remaining uncorrected violations should be agreed upon at the meeting.

Four standards, coded 6FO1, 3FO2, 6FO3, and 6FO4 in the fire safety report, relate to smoke detection systems in areas of public assembly, and are noted by asterisks in lieu of boxes in the "Conformance," "Nonconformance," and "Not applicable" columns of the report. These items are those which are retroactive and, as such, are not enforceable under provisions of the fire prevention code until the Legislature authorizes enforcement and provides financial incentives.

11. Prepare Plan for Correcting Remaining Violations

(Read Sections 12 and 13 carefully to determine whether this section applies in your circumstances.)

Some violations cannot be corrected before the fire inspection report form is due at the State Education Department. Therefore, a plan for correcting such violations must be prepared. (See Appendix H for plan format.)

The plan must clearly identify the facility and the individual standard or standards in nonconformance. It must describe the actions the school district is taking to correct each nonconformance and the date by which it is anticipated that all violations will be corrected.

The plan should not contain housekeeping violations because there is no defensible reason why such violations should not be corrected immediately. Most plans will address structural items or items which require the services of vendors. Most of those items should be completed within 60 days of the inspection. Occasionally, a few violations may require more than 60 days to correct. In such cases, up to 120 days may be allowed for correction of violations. See paragraph 10 above for Code descriptions and time allowed for corrections.

Temporary Certificates of Occupancy are issued, according to rules discussed below, to school districts which report uncorrected violations to the State Education Department. Failure to correct such violations during the period allowed may result in a lapse of a valid Certificate of Occupancy.

12. Convene the Meeting Between Board of Education and Local Fire Officials

Section 807-a of the Education Law requires that a meeting be held between the board of education, the inspector and the local fire chief when any violations are noted during the annual inspection.

If such a meeting was scheduled prior to inspections and there are no violations discovered, the meeting may be cancelled. However, the board of education and the school administration may benefit from such a meeting with fire inspectors or officials who may have suggestions about improving the district's fire prevention program.

There should be no confusion about what constitutes violations which require that a meeting be held. Any violation which is recorded on the inspection form by the inspector will require the convening of such a meeting. The fact that the violation has been corrected does not relieve the board of education from its obligation to convene the meeting.

13. Approve Plan for Correcting Violations

During the meeting between the local fire official and the local board of education, Part 155. 4 of the Regulations of the Commissioner of Education requires that a plan for correcting all remaining uncorrected violations must be approved and adopted by the Board of Education for each facility. Plans are not required in those instances where violations are corrected either before the meeting or prior to submission of the fire inspection reports to the State Education Department.

14. Send Reports to the State Education Department

The *original copy* of the annual fire inspection report must be received at the State Education Department on or before the last day of the inspection period.

Failure to file fire inspection reports on time constitutes a violation of Part 155.4, paragraph (e) 3 of the Regulations of the Commissioner of Education and may constitute the basis for delay of Certificates of Occupancy.

15. Distribute Reports

In addition to sending reports to the Education Department, copies of these documents should also be sent to:

1. The Inspector
2. The local fire chief
3. The School District Superintendent
4. The District Superintendent
5. The agency responsible for local code enforcement

16. Provide Public Notice

Section 807-a of the Education Law requires that immediately following the mailing of fire inspection reports to the State Education Department, school officials must publish a public notice which informs the community that school facilities have been inspected.

The form and manner of the notice appears in paragraph 5.b of Section 807-a of the Education Law (Appendix D). Instructions for the distribution of the notice are noted in paragraph 5.c.

17. Correct Violations

Immediately following submission of the annual reports to the State Education Department, any violations which have not been corrected should be corrected as soon as possible and in accordance with the adopted correction plan. Upon correction of those nonconformances, the school districts should notify the State Education Department, in writing, that the corrections have been made. Failure to correct violations on time and to notify the State Education Department that such corrections have been made, may result in a revocation of Certificates of Occupancy.

18. Post the Certificate of Occupancy

Assuming a district has submitted reports in a timely manner, Certificates of Occupancy are issued within 30 days of the end of the district inspection period. These may take the form of either temporary or annual certificates.

A valid certificate must be displayed and maintained in a highly visible, permanent location in each building, for inspection by any interested parties.

19. Self-Inspections

The annual fire inspection provides an assessment of fire safety conditions at one point in time during a year. Violations of minimum standards of fire safety may occur at any time. Consequently, school officials should be alert to this possibility and strive to prevent violations or correct them as soon as they occur.

One of the best methods for assuring that minimum standards for fire safety are being maintained is to schedule both routine and surprise self-inspections of school district facilities during the year. These self-inspections will help to assure that faculty, staff and students are properly protected. School district employees may perform self-inspections. Unlike annual fire inspections, reports of self-inspections should not be sent to the State Education Department.

V. DIRECTIONS FOR COMPLETING FIRE INSPECTION REPORT

A. INSTRUCTIONS FOR PART I

Part I of the form is to be completed by a school district official. Read this part in its entirety before making any entries.

1. Read each question on the inspection report carefully and provide appropriate information in the space(s) provided.
2. The front page contains the beginning date of the inspection period for the facility and the date by which the report is due at the State Education Department. If a previously reported facility, this information will appear at the top of a preaddressed label attached to the front page of the report. If either one or both of the entries under the title "Inspection Period" (those noted as "Starts" and "Report Due"), are missing or incomplete, contact the State Education Department immediately at (518) 474-4738.
   a. Check the district name for accuracy and spelling. Change the entry, if necessary. Make the change on the form with a red pen or red pencil.
   b. Check the building/facility name and address for accuracy and spelling. Change the entry, if necessary. Make the changes on the form with a red pen or red pencil.
3. Be sure that you have one form for *each* facility which is owned, operated or leased by the school district. A facility is any free standing building or structure, with walls and roof, which can be secured. It may be a combination of buildings which are connected by an *enclosed* connector. Free standing structures may include: school buildings, garages, greenhouses, manufactured buildings, sheds, concession booths, shower houses, locker rooms, etc. which are *not* connected to other buildings by enclosed connectors.

If you do not receive a report form for each facility you own, lease, or operate, contact the Education De-

partment immediately to obtain the additional copies at (518) 474-4738 or write:

New York State Education Department
Bureau of Educational Facilities Planning
Room 3059 Cultural Education Center
Albany, New York 12230

4. Construction Classifications (Section I-A, Item 6) of Class A, B and C are derived from Section 11 of the Local Finance Law. They relate to Part 704 Classifications, of the Uniform Fire Prevention and Building Code, and are described in that part, as follows:

Class A: Type 1a and 1b – fire resistive construction.
Type 2a and 2b – noncombustible construction.

Class B: Type 3 – heavy timber construction.
Type 4a and 4b – ordinary construction.

Class C: Type 5a and 5b – frame construction.

5. When completing Section I-B, item 6, referenced as "Official Cause as Determined by Fire Official," use the Ignition Factor from Appendix I.

B. INSTRUCTIONS FOR PART II

1. Description of Part II

a. Section A of Part II applies *only* to buildings used wholly or partially for student education; i.e., school buildings, greenhouses, horse barns, sugar shacks and similar buildings that support student educational programs.This section is based on Part 155.3 of the Regulations of the Commissioner of Education, which pertains to construction features in existing school buildings.

b. Sections B through M of Part II apply to *all* buildings *including* school buildings, are generally operational in nature, and are based on Chapter C, Fire Prevention, of the Uniform Fire Prevention and Building Code. The numbers in parentheses refer to specific sections in that code. The fire safety standards encompass the following concerns:

General Operation and Maintenance – Section B.
Fire and Emergency Services – Section C.
Exiting – Section D.
Building Services and Equipment – Section E.
Area(s) of Public Assembly – Section F.
Flammable and Combustible Liquids – Section G.
Automotive Fuel Dispensing Station – Section H.
Hazardous Materials – Section J.
Compressed Gases – Section K.
Welding and Cutting – Section L.
Additional Code Provisions – Section M.
Certification Signatures – Section Y.

c. In Part II there are various references to generally accepted standards, such as publications of the National Fire Protection Association. Copies of these standards are available at nominal costs from The National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

d. Fire standards relating to areas of public assembly are noted by asterisks in lieu of boxes in the "Conformance," "Nonconformance," and "Not Applicable" columns of the report. These missing items are those which are retroactive, and, as such, are not enforceable under provisions of the fire prevention code until the Legislature authorizes enforcement and provides financial incentives.

e. Columns following standards in Part II are described as follows:

1. The first column on the left is labeled "Code." "Code" signifies the computer code number for each standard. It is provided for quick identification, and to denote the time allocated for correction of violation of a specific standard, as described in Part IV Section B-10 of this guide.
2. "Conformance" signifies that the item has been inspected and found to be in compliance with the language of the provision which appears on the form.
3. "Nonconformance" signifies that the item has been inspected and found to be not in conformance with the language of the provision which appears on the form. Nonconformances represent violations of minimum standards of fire safety.
4. "Not Applicable" signifies that the provision which appears on the form does not apply to the facility being inspected. Note some boxes in the not applicable column are shaded in. This means that the item in question is always applicable.
5. "Date Nonconformance Corrected" signifies that a nonconformance found by the inspector has been corrected as of the date noted.

2. Responsibility of Fire Inspector

a. Part II is to be completed by the fire inspector. He or she must check the results of the inspection in the first set of columns on each page of the report, and check one of the boxes marked, "Conformance," "Nonconformance," or "Not Applicable," for each code number.

b. It is important that the inspector understand that the items contained in the Fire Safety Inspection Re-

port are the basis for inspection of facilities used by school districts and boards of cooperative educational services. The items embody the requirements of Section 155.3 of the Regulations of the Commissioner with regard to schools, and are analagous to the provisions of Chapter C of the code which applies to all buildings, including schools.

c. In Sections E through M, complete only the items which apply to the particular building being inspected. For example: in Section E-7, if the building has a fuel gas system, complete Item 7. Do not complete Section E-9, which relates to a fuel oil system, but note in Item 9, in the space provided, that no fuel oil system exists.

3. Responsibility of School Officials

a. The school official makes entries only in the right-hand column marked, "Date Nonconformance Corrected." Such an entry shall be made only opposite a check in the "Nonconformance" column, which was made by the inspector. The entry of the date signifies the violation has been corrected.

b. Under no circumstances should an entry which has been made by an inspector be altered, even if the violation has been corrected.

C. INFORMATION SPECIFIC TO CERTAIN SECTIONS IN PART II

1. **Section II-A.2.**

re: size of emergency escape windows – Written requests to the Commissioner for exceptions to escape window sizes will not be considered where the vertical height of the clear opening is less than 20 inches or where the horizontal distance is less than 16 inches.

2. **Section II-A.2.e**

re: identification of emergency escape windows – Any sign affixed to the emergency window to identify it as the emergency window should not use the word "exit." Such windows are not exits.

The State Education Department recommends the following specification for signs:

- Color – Bright yellow with black letters
- Size – 3" x 5" or larger
- Text – "Rescue Window" on each side of sign
- Window operation instructions, if not readily apparent

3. **Section II-A.2.f**

re: obstructions of emergency escape windows – Any bars, screens or grilles over emergency escape windows must also operate freely (latch, hinges, etc) and permit and facilitate emergency egress.

4. **Section II-A.5.c.**

re: areas of public assembly above the first floor of buildings having wood structural members or wood roof deck – Written requests to the Commissioner for permission to continue the use of of such areas shall be accompanied by a scale drawing of each floor of the building showing size of stairs, and exit doors and indicating the location of stair enclosure doors and smoke doors.

5. **Section II-A.6.b.**

Section 409-b of the Education Law pertaining to mercury vapor and metal halide lamps is reprinted in Appendix J of this guide.

6. **Section II-A.8**

re: fire extinguishers – see item #10 below.

7. **Section II-B.5**

re: combustible decorations – An amendment to the Fire Prevention Code allows a limited amount of student artwork to be placed in areas of public assembly and associated exitways. Such displays must be affixed *directly* to noncombustible wall surfaces, must not be placed within two feet of the ceiling or within ten feet of exits, and must not exceed 20% of the wall surface.

8. **Section II-B.6**

re: flammable liquids – See item #12 below.

9. **Section II-C-5**

re: fire department notification – School districts must immediately notify the fire department, by voice communication, of *any* fire which occurs. Such notification must be made even though the fire may have been extinguished, or if the alarm has been automatically given to the fire department through an interconnected alarm system.

10. **Section II-E.5; Section II- G.1.a; Section II-J.1.f; Section II- J.14.a; Section II-L.1.a**

re: fire extinguishers – NFPA publication #10, "Portable Fire Extinguishers," is a generally accepted standard. This standard covers the selection of the right type of extinguishers of the right size, for different kinds of fires. It also covers the installation, inspec-

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tion, maintenance and testing of extinguishers.

Portable fire extinguishers are designed for, and classified for use on either a certain class, or a combination of classes of fires.

There are four basic types of fires:

- **Class A** fires are fires of ordinary combustible materials such as wood, cloth, paper, rubber, and many plastics.
- **Class B** fires are fires of flammable liquids, oils, greases, tars, oil base paints, lacquers, and flammable gases.
- **Class C** fires are fires which involve energized electrical equipment.
- **Class D** fires are fires of combustible metals, such as magnesium, titanium, sodium and potassium.

11. *Section II-F – Areas of Public Assembly*

As previously stated, there are certain retroactive Code provisions that are unenforceable at this time. A smoke detecting system and an alarm system must be provided in all areas of public assembly, the fire area of which they are a part, and the means of egress therefrom, only after the Legislature has expressly, by law, provided authorization, financial incentives and assistance. To date, the Legislature has not acted in this regard. This, however, does not preclude school districts wishing to install such systems without specific legislative authorization or financial help, from doing so at any time. However, compliance with this standard prior to Legislative action in this matter may result in disqualification for receipt of financial or other incentives.

The retroactive provisions of Part 794 of the code define the fire area of an area of public assembly as the gathering space enclosed by a fire-rated separation, including doors, of at least one hour rating. In the case of schools facilities, the separation is that which was approved at the time of construction.

Part 790 defines the gathering space as that room used for gathering together 50 or more persons. Hence, rooms used for gathering together less than 50 persons are not areas of public assembly. Part 790 also refers to Table VII-765 (sub note 4) which confirms that spaces used exclusively for instruction for pre-kindergarten to grade 12 in public schools are not areas of public assembly.

Chapter 707 of the Laws of 1981 stated that the code shall include provisions for the type, number, spacing and location of the elements of a detection system. While the code does not directly list such specifics, Chapter G lists National Fire Protection Association publication No 72.E-1982, "Automatic Fire Detectors," as a generally accepted standard. Districts electing to install detection systems prior to legislative action, or those interested in the implications of the Code requirement upon enactment of such legislation should refer to their architect/engineer to this publication.

12. **Section II- G; Section II- H.2; Section II- H.3 – Flammable and Combustible Liquids**

The distinction as to whether a volatile liquid is a flammable or combustible liquid is dependent on the flash point of the liquid; i.e, the temperature at which ignition will occur. There are various classes as listed below.

Flammable liquids which have a flash point below 100°F. and a vapor pressure of not over 40 pounds per square inch absolute at 100°F are *Class I*, further subdivided as follows:

Class IA flammable liquids have flash points below 73°F and boiling points below 100°F. Examples: ethyl ether, benzine.

Class IB flammable liquids have flash points below 73°F and boiling points at or above 100°F. Examples: acetone, ethyl alcohol, 120 proof whiskey, methyl alcohol, duplicating fluid, gasoline.

Class IC flammable liquids have flash points at or above 73°F, but below 100°F.

Combustible liquids have a flash point at or above 100°F and are subdivided as follows:

Class II combustible liquids have flashpoints at or above 100°F, but below 140°F. Examples: mineral spirits (Stoddard Solvent), #2 fuel oil, diesel oil.

Class III-A combustible liquids have flash points at or above 140°F, but below 200°F. Examples: #4 and #6 fuel oil.

Class III-B combustible liquids have flash points at or above 200°F. Examples: cooking oil, linseed oil, asphalt.

D. INSTRUCTIONS FOR CERTIFICATIONS – PART III

Three individuals must provide certifications which are to be found on the last page of the inspection form. Certifications must be provided by: the inspector, a building administrator or designee (a business official or superintendent of buildings and grounds or designee in the case of non- instructional facilities) and the school superintendent or designee.

VI. DISPUTES AND PROCEDURES FOR APPEAL

Under certain circumstances, application of the Regulations of the Commissioner of Education or the New York State Uniform Fire Prevention and Building Code may be subject to differing interpretation by the school district or BOCES and the fire inspector retained to perform the annual fire inspection. Where such a disagreement cannot be settled locally, the school district or BOCES may call or write the State Education Department for resolution. After investigation, the State Education Department may make a determination from Regulation or Code and advise, arrange for a third-party inspection, or make an on-site inspection of the disputed area to gather data before making a ruling.

In some instances, a dispute about interpretation of a Code standard or Regulation may occur between a fire official or other individual as distinguished from a dispute which occurs between a school official and an official annual fire inspector. In such cases, the dispute will be handled as described previously.

In all such cases, the ruling of the Education Department is final with respect to inspectors and fire inspectors acting within their respective capacities. Citizens may, of course, continue to challenge the Education Department's ruling in the courts.

In the event that a school board wishes to appeal an Education Department ruling as it pertains to a provision of the State Uniform Code, it may take an appeal to the New York Department of State Uniform Fire Prevention and Building Code Board of Review. Instructions for taking such appeals and the form of the petition are included in this guide as Appendix K.

VII. FINANCIAL CONSIDERATIONS

The expenses associated with the correction of violations of the State Fire and Building Code and Part 155. 3 of the Regulations of the Commissioner of Education are ordinary contingent expenses. Consequently, Boards of Education are not required to obtain voter authorization for expenses associated with correction of violations of the standards which appear in the Education Department's annual fire inspection report.

These expenses may be funded from the following sources: surplus funds, transfer from other accounts, a local tax levy and the proceeds from a borrowing.

In the event that borrowing is required, voter authorization may be secured during regularly scheduled annual meetings, or at special meetings. Such authorization, however, is not required in city school districts.

As an alternative to obtaining voter authorization for borrowing, boards of education, pursuant to Section 29.00 of the local finance law, are authorized to secure budget notes without voter authorization for expenses which were not anticipated at the time the annual budget was approved. Budget notes may be issued during the last nine months of any fiscal year. However, the amount to be raised cannot exceed 5% of the annual budget; and generally, they are to be paid off no later than the fiscal year which succeeds the one in which the notes were issued.

APPENDIX A

RETROACTIVE CODE PROVISIONS

The following is a list of statements which refer to retroactive provisions of the State Fire Prevention and Building Code. These Code items will not be enforced until the Legislature has passed financial incentives and assistance for implementing the retroactive provisions of the State Code.

Code

F01 All areas of public assembly and the exitways therefrom are provided with a fire and smoke detection system which will detect fire and smoke in its initial stage and automatically activate an alarm signal to sounding devices throughout the building (794.3; 791.1; 10609.3a1; 1060.3a3).

F02 At least one manual fire alarm box, which will activate the fire and smoke detection system alarm, is located in the main means of egress from the area(s) of public assembly (1060.3c).

F03 The fire and smoke detection alarm system is provided with electrical power from an auxiliary source in case of power failure (1060.3d; 1060.2d1).

F04 Electric circuits for transmission of alarm are for that purpose only (1060.2d2).

APPENDIX B

SECTION 155.3 OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION (8 NYCRR, 155.3)

HEALTH AND SAFETY IN EXISTING EDUCATIONAL FACILITIES

Facilities in school districts other than city school districts in cities having 125,000 inhabitants or more, shall meet the following requirements and, in particular instances, such other requirements as may be deemed necessary by the commissioner to insure the health and safety and accident protection of occupants.

(a) **Exits**

(1) There shall be at least two means of egress remote from each other, leading from each floor occupied by pupils, including basements.

(i) When pupils enter into a corridor, there shall be a choice of two unobstructed means of egress in different directions.

(ii) Handrails shall be provided on at least one side of stairways, and on both sides of stairways 88 inches or more in width.

(iii) There shall be no storage under any stairs or landings unless the enclosure is approved fire-resistant construction.

(iv) Provision of fire escapes of approved design may be required where other exits are determined to be inadequate for fire safety.

(2) Dead-end corridor pockets shall not exceed a maximum depth of one and one-half times the width of the pocket or one and one-half times the width of the corridor, whichever is less, unless otherwise approved by the commissioner.

(3) Corridors and exitways shall be kept clear and free of obstructions at all times.

(4) Fixed and portable security gates shall not be located or used where they will obstruct exits or create dead-end conditions for occupied spaces.

(5) Every space of pupil occupancy over 500 square feet in area shall have two separate means of egress from such space. A space of pupil occupancy is any room or self-contained space housing pupils on a regular basis, other than a place of assembly or small rooms where no more than 10 pupils are under direct, responsible, adult supervision. Each means of egress shall be in a separate smoke zone, unless immediately adjacent to an approved exit. The primary exit is commonly the opening to the corridor. The second means of egress may be a door opening into a separate smoke zone, or a door directly to the exterior, or a window of such size and design that will facilitate egress, or a door providing egress through adjacent spaces where specifically approved.

(i) Any point in a space of pupil occupancy shall not exceed a maximum of 50 feet straight-line distance to an exit, unless otherwise approved by the commissioner. Any additional exit necesary to satisfy this requirement shall be remote and may be required to be directly to the exterior.

(ii) When spaces of pupil occupancy are defined in an open area by wardrobes, cabinetry and other furniture which does not present obstructions to egress and which allows students to circulate freely from one space to another, the total open space is considered, for exiting purposes, as a single space. Exits from such open-planned space shall meet requirements determined by the commissioner.

(6) Required emergency egress windows shall be of a size and design, including hardware and, in appropriate instances, steps or ladder to high sills, that will permit and facilitate emergency egress. Such windows shall be free of obstructing screens or storm sash.

(i) The minimum clear opening area for such windows shall be six square feet, with a minimum dimension of 24 inches, unless otherwise approved by the commissioner.

(ii) At least one such window in each space of pupil occupancy shall be marked with an appropriate sign identifying it as an emergency egress window.

(7) Places of assembly. A place of assembly is any area used for the assembly of 100 or more persons, and spaces over 1800 square feet in area used for the assembling of persons. A place of assembly shall have at least two exits remote from each other.

(i) Maximum occupancy for places of assembly shall be based on the number and size of existing approved exits on the basis of 50 persons for each one-half exit unit of 11 inches. Where existing exits are inadequate for the occupancy capacity of a place of assembly, or when directed by the commissioner, signs restricting the number of occupants shall be conspicuously posted at each exit location. Signs shall read in red letters on white background:

"MAXIMUM OCCUPANCY – 3″ high, 3/4″ strokeo
NOT TO EXCEED – 2″ high, ½″ stroke
XXX PERSONS" – 3″ high, 3/4″ strokeo

(8) Courtyards with completely enclosed perimeters are areas of possible pupil occupancy and must be provided with exits as a space of pupil occupancy and as follows, unless otherwise approved by the Commissioner:

(i) Enclosed courts up to 700 square foot area shall have at least one exit equipped with hardware of a type which will always permit the door to be opened from the court side without the use of a key;

(ii) Enclosed courts of more than 700 square foot area shall have at least two exits, remote from each other, equipped with hardware of a type which will always permit the door to be opened from the court side without the use of a key.

(9) **Hardware.**

(i) All door hardware from spaces of pupil occupancy shall be of a type that will always permit the door to be opened from within the space without the use of a key.

(ii) All exterior and interior doors in exitways, and exit doors from places of assembly shall have panic hardware, except that panic hardware is not required for push/pull interior exit doors if these doors have non-latching hardware. Panic hardware shall not be required for exterior corridor doors serving less than three classrooms or for doors serving only service areas such as boiler room, kitchen or storerooms.

(iii) Exit doors shall not be locked or chained or otherwise rendered inoperable from the inside at any time.

(b) **Smoke and fire control.** As used in this subdivision, the terms Class "A", "B" or "C" refer to types of construction which are defined by subdivision 11 of section 11 of the Local Finance Law.

(1) In Class "B" and Class "C" buildings of two stories or more, unless otherwise approved, stairs shall be enclosed at each floor level and every floor shall be separated from levels above and below by stair enclosures and/or smoke barriers constructed to obstruct effectively the passage of smoke and fumes, or every space of pupil occupancy shall be provided with direct exit to the exterior. In appropriate instances, alternate means of egress may be required and stairways enclosures in Class "A" construction may be required.

(2) Class "B" and Class "C" buildings shall not have places of assembly above the first floor, except in a Class "B" building a written exception may be granted where it is determined by the commissioner that adequate exits exist.

(3) In appropriate instances, doors, walls and ceilings of places of assembly and exitways (corridors, stairs, vestibules, etc.) may be required to be finished with fire retardant materials or coatings.

(4) Stairway enclosures required by paragraph (1) of this subdivision and smoke barriers required by paragraph (5) of subdivision (a) of this section shall be constructed of non-combustible materials of such design and detail to obstruct effectively the passage of smoke and fumes.

(i) Doors in stair enclosures and smoke barriers shall be metal, metal covered, approved treated wood construction, or solid bonded core wood doors not less than 1 3/4 inches thick.

(ii) Glazing in doors, sidelights and frames shall be one-quarter inch wire glass.

(iii) Such doors shall swing in the direction of egress, with no latching or locking devices unless operated by panic hardware. Double-acting hinged doors are not permitted and corridor pockets opposing swing of doors shall conform to the provisions of paragraph (2) of subdivision (a) of this section.

(iv) Such doors shall be self-closing and maintained in a normally closed position unless approved automatic release devices are provided, whereby upon interruption of an electrical circuit, the door is released and becomes self-closing. The electrical circuit shall be positively interrupted by operation of an approved smoke detection system and/or activation of the building fire alarm system. Fusible links shall not be used to hold open such doors.

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(5) Wood floors shall not be treated or finished with oil. Floors so finished previously shall be cleaned and refinished with a penetrating seal.

(6) Fire extinguishers shall be located so that no point in a corridor, lobby, or stair is more than 120 feet from an extinguisher. Fire extinguishers shall also be placed readily accessible to auditorium stages, shops, cafeterias and kitchens, boiler rooms, science labs and accessible from other places which are possible sources of fire. Fire extinguishers shall bear the Underwriter's Label and be of a type most suitable for the kind of fire most likely to occur in a given area.

(7) Fire resistive (hourly rated) floors, interior walls and doors, and ceilings shall be provided at the following spaces unless otherwise approved by the commissioner. Those spaces having a roof over the entire space may have roof construction and ceilings of non-rated fire resistive materials.

(i) Two-hour fire-rated construction with 1½ hour fire rated, self-closing fire doors are required at:

(a) Boiler, heater or furnace rooms;
(b) Refrigeration, electrical, and equipment rooms;
(c) Incinerator rooms;
(d) Storerooms for fuel, flammable liquids and gas powered equipment;
(e) Transformer vaults.

(ii) Required fire doors shall be maintained in a normally closed position and not held open by fusible links.

(iii) Combustible attic space shall not be used for storage.

(c) **Accident Protection.**

(1) Glazing of panels and doors shall be with safety glazing materials as follows, unless glazed areas are protected by approved grilles, or rails:

(i) Interior exit doors, exterior exit doors and immediately adjacent sidelights, except where glazing is 48 inches or more above the floor;

(ii) All glazed panels where glazing is within 18 inches of the floor, or platform level of music-room type risers;

(iii) Gymnasiums and playrooms and elsewhere where subject to physical abuse;

(iv) Acceptable safety glazing materials shall be at least one- quarter inch thick wire glass, one-quarter inch tempered (heat treated) glass, one-quarter inch laminated safety glass, or approved plastic materials.

(2) Glazed doors and sidelights within six feet of such doors shall be marked by appropriate means in accord with the provisions of Part 47 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York, except marking on door and/or sidelight is not required:

(i) where less than 80 percent of the area of the door or sidelight above a reference line 18 inches above the floor is glazed;

(ii) where width of sidelight is not more than 20 inches, with 1 3/4 inch minimum opaque stiles;

(iii) where floor treatment a distance of three feet out from a sidelight will deter approach;

(iv) where sidelights are supported on 18-inch minimum height permanent barriers such as benches, planters or guardrails, extending across at least two-thirds of the sidelight.

(3) Window cleaning. Safety provisions shall be made for persons engaged in window cleaning. Windows shall be cleaned from approved safe surfaces, windowsills or ledges, boatswain's chairs or scaffolds, all as defined in Part 21 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

(i) A safe surface is a place where the cleaner is working not over six feet off the floor or grade and not over three feet above a stair run. Ladders may be used generally when the top of the window is not over 35 feet above grade or floor. Windowsills and ledges may be used when the window openings are provided with approved anchors for use with safety belts. Approved boatswain's chairs and scaffolds also may be used.

(d) **Mechanical.** Mechanical equipment, heat-producing and cooling equipment, auxiliary apparatus and controls, and installation and use of same, shall be such as will insure safe operation in accord with applicable recognized standards, as determined by the commissioner, and be consistent with efficient energy consumption.

(1) Gas and oil fuel-burning equipment having a capacity of over 400,000 BTU per hour shall be provided with electronic flame safeguard controls which, upon flame failure, shall normally respond

in two to four seconds to cut off fuel supply through the burner and main fuel valve.

(2) All primary controls for fuel-burning equipment shall operate on a 120-volt, single-phase grounded circuit. Such controls generally include the hold-in coil of the motor starter,the solenoid coil for the pilot valve, the solenoid coil for the main fuel valve or the actuator for the motorized fuel valve, the ignition transformer and the modulator transformer.

(3) Direct-fired fuel-burning heating units shall not be used in any space of pupil occupancy.

(4) Unused duct work shall be sealed off at each floor level with fire-resistive materials.

(5) Ventilation with fresh air shall be available in all occupied spaces.

(e) **Water and sanitation**.

(1) An adequate supply of safe, potable water for drinking shall be dispensed from approved sanitary drinking fountains.

(2) Toilet rooms for boys and girls, with flush toilets and wash sinks which are connected to an adequate water supply under pressure, and connected to an approved individual or public sewage disposal system, shall be provided.

(3) No source of water supply, nor sewage disposal system, shall be used which has not been approved by the appropriate agency of the State Department of Health or Department of Environmental Conservation.

(f) **Gas.**

(1) Gas entering a school building shall be low-pressure gas.

(2) Gas transmission and distribution piping shall meet the requirements of the Public Service Commission.

(g) **Electrical.** Electrical equipment and auxiliary apparatus and controls, and installation and use of same, shall be such as will insure safe operation in accord with applicable recognized standards, as determined by the commissioner, and be consistent with efficient energy consumption.

(1) Suitable and sufficient artificial light shall be provided for the visual tasks being performed.

(2) Exit lights. School buildings shall be provided with exit lights to identify building exits, stairs, corridors, and exits from places of assembly, and to designate the path of travel to the exterior, except school buildings having six or less classroom areas may have exit signs in place of exit lights.

(i) The word "EXIT" shall be in letters not less than 4 1/2 inches high and strokes not less than 3/4 inches wide.

(ii) Exit lights shall be circuited and wired to minimize the possibility of interruption.

(3) Emergency lighting. Automatic emergency lighting systems shall be provided for places of assembly exceeding an area of 1800 square feet, and for all exitways leading from such areas. Such area include all-purpose rooms, auditoriums, cafeterias, group-instruction rooms, playrooms and gymnasiums, swimming pools and other combination places of assembly.

(4) Fire alarm.

(i) School buildings of seven or more classroom areas shall be equipped with a manually operated electric fire-alarm system, which may include automatic smoke and/or fire detection, which will continue to sound the alarm until the tripped station has been restored to normal operation or, in an existing system, has completed a cycle of not less than 30 seconds.

(ii) School buildings of one to six classroom areas shall be equipped with either a manual, hand or electric, fire alarm which is capable of being sounded for such a period of time as will insure evacuation of the building, or an electric fire-alarm system as described in subparagraph (i) of this paragraph.

(iii) School buildings within fire districts having an electrically operated, street-located general municipal fire-alarm box system shall have, wherever practical, the school building fire-alarm system interconnected to the municipal system, so that sounding of the school building fire-alarm system automaticaly gives the alarm to the fire department affording protection to the school building. Wherever practical, a fire-alarm box compatible with the municipal system, which will sound the alarm of the school building system, shall be accessibly located on the site or on the school building.

(5) Telephone. A telephone which can be used in the case of emergency shall be provided in all buildings having pupil occupancy.

(h) **Additions and alterations.** In the case of additions to or alterations of an existing facility, the requirements of this section must be continuously maintained during the construction period, or provisions made to provide equivalent safety to the school-district-occupied portions of the facility.

(i) Facilities shall be operated and maintained to provide effectively for the accident protection and life safety of occupants, to reduce exposure to property loss by fire, and to assure efficient use of natural resources.

(j) When, based on these regulations, it is the judgment of the commissioner that the general conditions of a school building, or any part thereof, indicate that it would be detrimental to the health and safety of occupants, the commissioner may designate an area or areas of the building as unusable for pupil occupancy or may limit the number of occupants thereof.

APPENDIX C

FIRE INSPECTION ZONES

Zone	ZONE NAME AND SUPERVISORY DISTRICT	Cycle	Year	FIRE INSPECTION PERIOD Beginning Date	Due Date
1	**Niagara-Western**	8	1991	2/15	4/1
		9	1992	1/15	3/1
		10	1992-93	12/15	2/1
		11	1993-94	11/15	1/1
	Cattaraugus-Allegany-Erie-Wyoming				
	Chautauqua				
	Erie #1				
	Erie-Chautauqua #2 (excluding Buffalo)				
	Orleans-Niagara				
2	**Genesee-Southern**	8	1991	3/15	5/1
		9	1992	2/15	4/1
		10	1993	1/15	3/1
		11	1993-94	12/15	2/1
	Genesee				
	Livingston-Steuben-Wyoming				
	Monroe #1 (excluding Rochester)				
	Ontario-Seneca-Yates-Cayuga-Wayne				
	Schuyler-Chemung-Tioga				
	Steuben-Allegany				
3	**Central**	8	1991	4/15	6/1
		9	1992	3/15	5/1
		10	1993	2/15	4/1
		11	1994	1/15	3/1
	Cayuga-Onondaga				
	Cortland-Madison				
	Onondaga-Madison (excluding Syracuse)				
	Oswego				
	Tompkins-Seneca-Tioga				
4	**Mohawk-North**	8	1991	5/15	7/1
		9	1992	4/15	6/1
		10	1993	3/15	5/1
		11	1994	2/15	4/1
	Herkimer-Fulton-Hamilton-Otsego				
	Jefferson-Lewis				
	Madison-Oneida				
	Oneida-Madison-Herkimer				
	St. Lawrence-Lewis				

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Appendix C – Fire Inspection Zones

Zone	ZONE NAME AND SUPERVISORY DISTRICT	Cycle	Year	FIRE INSPECTION PERIOD Beginning Date	Due Date
5	**Southern Tier**	8	1991	6/15	8/1
		9	1992	5/15	7/1
		10	1993	4/15	6/1
		11	1994	3/15	5/1
	Broome-Delaware-Tioga Delaware-Chenango-Madison-Otsego Otsege-Delaware-Schoharie-Greene				
6	**Capitol North**	8	1991	7/15	9/1
		9	1992	6/15	8/1
		10	1993	5/15	7/1
		11	1994	4/15	6/1
	Albany-Schoharie-Schenectady Clinton-Essex-Warren-Washington Franklin-Essex-Hamilton Rensselaer-Columbia Saratoga-Warren Washington-Warren-Hamilton-Essex				
7	**Mid-Hudson**	8	1991	8/15	10/1
		9	1992	7/15	9/1
		10	1993	6/15	8/1
		11	1994	5/15	7/1
	Dutchess Orange-Ulster Sullivan Ulster				
8	**Putnam-Rockland-Westchester**	8	1991	9/15	11/1
		9	1992	8/15	10/1
		10	1993	7/15	9/1
		11	1994	6/15	8/1
	Putnam-Westchester Rockland Westchester #2 (excluding Yonkers)				

Appendix C – Fire Inspection Zones

Zone	ZONE NAME AND SUPERVISORY DISTRICT	Cycle	Year	FIRE INSPECTION PERIOD Beginning Date	Due Date
9	**Nassau**	8	1991	10/15	12/1
		9	1992	9/15	11/1
		10	1993	8/15	10/1
		11	1994	7/15	9/1
	Nassau				
10	**Suffolk**	8	1991-92	11/15	1/1
		9	1992	10/15	12/1
		10	1993	9/15	11/1
		11	1994	8/15	10/1
	Suffolk #1				
	Suffolk #2				
	Suffolk #3				
11	**Big 4 Cities**	8	1991-92	12/15	2/1
		9	1992-93	11/15	1/1
		10	1993	10/15	12/1
		11	1994	9/15	11/1
	Buffalo				
	Rochester				
	Syracuse				
	Yonkers				

NEW YORK STATE ZONE MAP FOR FIRE INSPECTION REPORTING

22

26

27

APPENDIX D

SECTION 807-a OF THE EDUCATION LAW. FIRE INSPECTIONS

JUNE 1982

1. It shall be the duty of the school authorities in general charge of the operation of any public or private school to cause the buildings of such school containing classroom, dormitory, laboratory, physical education, dining or recreational facilities for student use to be inspected at least annually for fire hazards which might endanger the lives of students, teachers and employees therein.

2. The annual fire inspection shall be made prior to the first day of December of every school year and the report thereof shall be filed by the school authorities in the places required by subdivision five of this section no later than the sixteenth day of December of every such year.

3. (a) The school authorities shall cause any fire inspection pursuant to this section to be made by one of the following methods, or any combination of such methods:

(1) Employing, either regularly or specially, persons who, in the judgment of the school authorities, are qualified to make such an inspection, or any phase thereof.

(2) Contracting for the making of such inspections, or any phase thereof, by persons who, in the judgment of school authorities, are qualified.

(3) Requesting inspection by the fire department of any city, town, village or fire district in which the building is located.

(4) Requesting inspection by a fire corporation which is subject to the provisions of section fourteen hundred two of the not-for-profit corporation law, if such building is located within the area described in the certificate of incorporation of any such corporation.

(5) Requesting inspection by the county fire coordinator, or the officer performing the powers and duties of a county fire coordinator pursuant to a local law, of the county in which the building is located, or by any deputy county fire coordinator or deputy of such other officer so performing the powers and duties of a county fire coordinator designated to make the inspection by the county fire coordinator or such other officer so performing the powers and duties of a county fire coordinator, if the building is located outside a city, town, village, or fire district, which has its own fire department and outside the area described in the certificate of incorporation of any fire corporation which is subject to the provisions of section fourteen hundred two of the not-for-profit law.

(b) If any such inspection, or phase therof, is to be made by either of the methods specified in subparagraphs (1) and (2) of paragraph a of this subdivision, the school authorities shall give reasonable notice of the date and time such inspection is to be made to the chief, or other comparable officer, of any fire department, or fire corporation, which has the regular duty of fighting fire in the building to be inspected. Such officer, or any subordinate designated by him, may be present during the inspection and may also file a report of inspection in the manner provided in this section.

(c) If any fire department or fire corporation described in subparagraphs (3) and (4) of paragraph a of this subdivision shall fail or refuse to make a fire inspection promptly after having been requested to do so by the school authorities, the school authorities may request the county fire coordinator, or the officer performing the powers and duties of a county fire coordinator pursuant to a local law, of the county in which the building is located to make such inspection. It shall be the duty of the county fire coordinator, in such case to make such inspection or cause it to be made by a deputy whom he shall designate.

(d) Regardless of the method or methods used to accomplish the inspection required by this section, the person making the inspection shall file the report thereof with the school authorities no later than the first day of December.

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4. The State Fire Administrator shall prescribe the form of the fire inspection report and the commissioner of education shall furnish a supply of such form to school authorities. In prescribing such form, the State Fire Administrator shall consider standards for fire safety set forth in the state building construction code, the regulations of the commissioner of education and other safety standards.

5. (a) The report of any fire inspection shall be filed in the office of the school authorities and with the commissioner of education. All such reports so filed in any public office shall be kept as public records for at least three years after which period they may be destroyed.

(b) Within twenty days after the filing of the report with the school authorities, the school authorities shall cause public notice of the filing of such report to be given in substantially the following form: "Notice is hereby given that the annual inspection for .... (year) of the .... school building (or of the .... and .... school buildings) of (name of school district or private school) for fire hazards which might endanger the lives of students, teachers and employees therein, has been completed and the report thereof is available at the office of (school district or private school) at .... for inspection by all interested persons." If the inspection was not made for the school authorities by the fire department or fire company responsible for fire protection of the building, such authorities shall cause a copy of such notice to be mailed to the chief of such fire department or company.

(c) The school authorities of public schools shall cause such notice to be published at least once in the official newspaper, or if there is no official newspaper, in a newspaper having general circulation in the school district, and if there is no newspaper having general circulation in the district, shall cause such notice to be posted in ten conspicuous places in the district. Proof of publication or posting of such notice and of the mailing or a copy of such notice to the fire chief shall be filed in the office of the district.

(d) The school authorities of private schools shall cause such notice to be published at least once in a newspaper having general circulation in the postal area in which the school building is located, and if there is no newspaper having general circulation in such postal area, shall cause such notice to be posted in ten conspicuous places in such postal area. Proof of posting or publication of such notice and of the mailing of a copy of such notice to the fire chief shall be filed in the school office.

(e) If the report shows any alleged deficiencies, the school authorities shall give at least five days notice by mail to the chief of the fire department or fire company responsible for fire protection of the school building of the date and place of a meeting of the trustees, board of education, or corresponding officers by whatever name known, to be held within thirty days following the publication or posting required by this section, and shall at such meeting confer with the fire chief concerning the alleged deficiencies appearing on the inspection report and the measures proposed to be taken by the school authorities to correct such deficiencies.

(f) In each such school district subject to the jurisdiction of a district superintendent under the provisions of article forty-five of the education law, such district superintendent shall ascertain that the notices required by this subdivision have been published or posted, and mailed, and any conference with the fire chief required by this subdivision has been had.

6. It shall be the duty of the commissioner of education to ascertain annually whether the inspections of school buildings required by this section have been made and the reports of the inspection have been filed in their respective offices. The commissioner of education shall review the reports of inspection filed pursuant to this section and may make recommendations to the school authorities with respect to any problems relating to school fire safety noted in such reports. The commissioner of education may inspect or cause to be inspected at any reasonable time for fire prevention and fire protection purposes the school buildings required to be inspected by this section.

7. (a) Every public or private school required to be inspected as hereinabove provided may be inspected for fire prevention and fire protection purposes at any reasonable time by

(1) the chief of the fire department of the city, town, village or fire district in which the school is located,

(2) the chief of a fire corporation having its headquarters outside a village or fire district, if the school is located in the area described in the certificate of incorporation of such company,

(3) the chief of the fire department or fire company affording fire protection to a fire district, fire protection district, or fire alarm district pursuant to a contract, if the school is located in any such district,

(4) the member of any fire department or fire company listed in subparagraph one, two or three of this paragraph assigned by the chief thereof the duty of inspecting school buildings.

(b) In no event shall the school authorities of any public or private school, required to be inspected as hereinabove provided, refuse access at any reasonable time to any person described in subparagraphs one, two, three and four of paragraph a of this subdivision, who appears for the purpose of conducting an inspection for fire prevention or fire protection purposes; provided, however, that the administrator or the designee of the administrator of the school to be inspected shall be given the opportunity to be present during the inspection.

8. Any person, or any public or other corporation for which any such person acts, shall not be liable for any error, omission or lack of thoroughness in the making of the inspection and report required or permitted by this section.

9. The term "school authorities," as used in this section, means, in relation to public schools, the trustees, or board of education, or corresponding officers, whether one or more, and by whatever name known of a city school district, or other school district however created, or, in relation to private schools, the board of trustees, board of directors, or other governing board in general charge of the operation of any such school.

10. The term "private school," as used in this section means:

(a) Any nursery school or kindergarten attended by six or more pupils three years of age or older which may apply for registration by the New York State Education Department pursuant to part one hundred twenty-five of title eight of the official compilation of codes, rules and regulations of the state of New York; provided, however, that this section shall not apply to day care facilities possessing a valid permit as required by section three hundred ninety of the social services law; or

(b) Any establishment, other than a public school, attended by twenty-five or more pupils for the purpose of receiving the instruction of academic grade at the elementary or secondary level required by part one of article sixty-five of this chapter.

11. This section shall not apply to the school authorities in the cities of New York, Buffalo, Rochester, Syracuse, and Yonkers or to colleges and universities.

APPENDIX E

SECTION 155.4 OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION (8 NYCRR, SECTION 155.4)

FIRE AND BUILDING SAFETY INSPECTIONS

(a) All buildings which are owned, operated or leased by a public school district or board of cooperative educational services shall be inspected for fire safety at least once annually pursuant to a schedule determined by the commissioner or at any other time deemed necessary by the commissioner. Any cost of such inspection shall be borne by the school district or board of cooperative educational services.

(b) All inspections shall be performed, within a period of time determined by the commissioner, by an inspector who is qualified pursuant to procedures established by the state fire administrator. The report of the inspection shall be on a form supplied by the commissioner.

(c) Any violation of the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) or of this Part shall be corrected immediately unless it is impracticable to do so. Violations which are not corrected immediately shall be corrected within a period of time approved by the commissioner.

(d) Where a board of education or board of cooperative educational services is required to convene meetings pursuant to section 807-a (5) (e) of the Education Law, the board shall:

(1) review each nonconformance with the requirements of section 155.3 of this Part or of 9 NYCRR Parts 1150 through 1197 recorded on the report during the fire inspection;

(2) identify all such nonconformances which have not been corrected by the date of the meeting;

(3) adopt a plan, in a form prescribed by the commissioner, for correcting all such nonconformances.

(e) No building which is owned, operated, or leased by a board of education or a board of cooperative educational services shall be occupied or otherwise used unless the building has a valid certificate of occupancy issued by the commissioner.

(1) A certificate of occupancy will be issued by the commissioner following the annual inspection if the inspection indicates the building is suitable for occupancy and free of violations of the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and of this Part.

(2) The commissioner may issue a temporary certificate of occupancy at any time if the building is suitable for occupancy and if the board of education or board of cooperative educational services has adopted a plan, subsequently approved by the commissioner, for corecting all violations, pursuant to subdivision (c) of this section.

(3) A certificate of occupancy, a temporary certificate, or a building permit may be denied or revoked for any one of the following reasons:

(i) Failure to comply with any provisions of this Part;

(ii) Failure to comply with any provisions of the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250);

(iii) Failure to comply with the provisions of section 807-a of the Education Law;

(iv) Failure to file an annual or other fire safety inspection report in a timely manner;

(v) Failure to correct and/or plan for correction of any nonconformance with the requirements of section 155.3 of this Part or of 9 NYCRR Parts 1150 through 1197 which appears on the fire safety inspection report in a timely manner;

(vi) Existence of any nonconformance with the requirements of section 155.3 of this Part or of 9 NYCRR Parts 1150 through 1197 which appears on the fire safety report and which indicates that a building is not suitable for occupancy or intended use;

(vii) Repeated violations of the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) or this Part; or

(viii) Violation of other health or safety standards, imposed by law or regulation, which indicate that a building is not suitable for occupancy or intended use.

APPENDIX F

LEASED FACILITIES

Any district or BOCES owned facility which is leased to another party must be inspected and reported annually by the owner district or BOCES. If such a facility is currently a student use building or any possibility exists for future use of that facility for student use, the inspection and report must include Section II-A of the Fire Safety Report, which references the Regulations of the Commissioner of Education.

Where a district or BOCES leases an entire facility from another party the district or BOCES must cause that facility to be inspected and reported annually.

Where a district or BOCES leases only a portion of a facility from another party, the district or BOCES must cause the entire facility to be inspected for conformance with the fire prevention provisions of the New York State Uniform Code. If the leased portion is for student use, inspection of that portion and its associated exitways and those areas which may compromise exiting (such as boiler rooms), must include Section II-A of the Fire Safety Report. In buildings with mixed occupancies, any occupancy uses having different hazard classifications must be separated form the school use by two-hour fire separation.

Where a district leases from BOCES or vice versa, the annual Fire Safety Report Form is issued to, and the responsibility for inspection and reporting rests with the owner district or BOCES. Any agreement the district or BOCES may make which accomplishes this inspection and submission of reports is acceptable to the department.

APPENDIX G

FORMULA FOR CERTIFICATES OF OCCUPANCY

Annual or temporary Certificates of Occupancy are issued (or withheld) in accordance with the following formula:

Number of Outstanding Nonconformances	Relative Degree of Severity of Nonconformances	Certificate Issued
-0-	N/A	Annual
1-10	Minor	Temporary
11 or more	Minor	None*
1-5	Major	Temporary
6 or more	Major	None*
1 or more	Severe	None*

* No Certificate of Occupancy may be issued until nonconformances are corrected and entire facility is re-inspected.

Relative Degree of Severity of each nonconformance is determined as follows:

Relative Degree of Severity	**First Digit "Code Column" of Report**	**Correction Time In Days**
Minor	1	30
Minor	2	60
Minor	3	120
Major	4	30
Major	5	60
Major	6	120
Severe	7	30
Severe	8	60

APPENDIX H

FORMAT FOR VIOLATION CORRECTION PLAN

District: _____

Facility: _____

Facility Address: _____

_____

Facility Code Number: _____

VIOLATION "CODE" #	CORRECTIVE ACTION BEING TAKEN	DATE CORRECTION WILL BE COMPLETED

APPENDIX I

IGNITION FACTOR

1. **Incendiary**
   - 11. Incendiary
   - 12. Incendiary, during civil disturbance

2. **Suspicious**
   - 21. Suspicious
   - 22. Suspicious, during civil disturbance

3. **Misuse of Heat of Ignition**
   - 31. Abandoned, discarded material
   - 32. Thawing
   - 33. Falling asleep
   - 34. Inadequate control of open fire
   - 35. Cutting, welding too close to
   - 36. Children playing with
   - 37. Unconscious, mental, physical impairment; drug, alcholic stupor
   - 39. Not classified above

4. **Misuse of Material Ignited**
   - 41. Fuel spilled, released accidentally
   - 42. Improper fueling technique
   - 43. Flammable liquid used to kindle fire
   - 44. Washing part, cleaning, refinishing, painting
   - 45. Improper container
   - 46. Combustible too close to heat
   - 47. Improper storage
   - 49. Not classified above

5. **Mechanical Failure, Malfunction**
   - 51. Part failure, leak, break
   - 52. Automatic control failure
   - 53. Manual control failure
   - 54. Short circuit, ground fault
   - 55. Other electrical failure
   - 56. Lack of maintenance, worn out
   - 57. Backfire
   - 59. Not classified above

6. **Design, Construction, Installation Deficiency**
   - 61. Design deficiency
   - 62. Construction deficiency
   - 63. Installed too close to combustibles
   - 64. Other installation deficiency
   - 65. Property too close to (included are exposure fires)
   - 69. Not classified above

7. **Operational Deficiency**
   - 71. Collision, overturn, knockdown
   - 72. Accidentally turned on, not turned off
   - 73. Unattended
   - 74. Overloaded
   - 75. Spontaneous heating
   - 76. Improper startup, shut-down procedures
   - 79. Not classified above

8. **Natural Condition**
   - 81. High wind
   - 82. Earthquake
   - 83. High water, including floods
   - 84. Lightning
   - 89. Not classified above

9. **Other Ignition Factor**
   - 91. Animal
   - 92. Rekindled from a previous fire
   - 99. Not classified above

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APPENDIX J

June 1981

SECTION 409-b. EDUCATION LAW Use of mercury vapor or metal halide lamps within school buildings.

1. Every new or replacement mercury vapor or metal halide lamp which is used within any school building in the state, for the purpose of providing illumination, shall be of the safety type or variety which self-extinguishes upon breaking, cracking or removal of the outer shield protecting the lamp or if such self-extinguishing variety is not available, each such lamp or its fixture shall be equipped with a shield adequate to protect against and to absorb ultraviolet radiation if the lamp were to break or become defective within the shielded fixture.

2. Jurisdiction is hereby conferred on the commissioner in order to provide for the enforcement of this section through rules and regulations which the commissioner shall establish.

APPENDIX K

NEW YORK STATE DEPARTMENT OF STATE

UNIFORM FIRE PREVENTION AND BUILDING CODE BOARD OF REVIEW

GENERAL INSTRUCTIONS

Submission of a Petition form to a Board of Review begins a legal proceeding.

proceeding before the board is commenced by receipt of a completed petition. To be complete, a petition must include a completed and signed petition form including a statement of the grievance, the relief being sought, the required fee and support documentation. You will be notified when a petition is complete and if incomplete of the information required for completeness.

To file a petition with the Uniform Fire Prevention and Building Code Board of Review, please file nine (9) copies of the completed petition application and all other required documentation. An applicatin for review may be filed either personally or by mail.

There are five (5) regional boards of review.

ALBANY BOARD – Albany*, Glens Falls, Elizabethtown

BUFFALO/ROCHESTER BOARD – Buffalo*, Rochester*, Jamestown, Olean

HAUPPAUGE BOARD – Hauppauge*, New York City

NEWBURGH BOARD – Newburgh*, Poughkeepsie, White Plains

SYRACUSE/WATERTOWN BOARD – Syracuse*, Watertown*, Binghamton, Cortland

Mail or deliver the completed petition to:

New York State Department of State
Codes Division
162 Washington Avenue
Albany, New York 12231

If you have any questions, you may call the Codes Division at (518) 474- 4073. Ask to speak to a member of the Variance staff.

* Location of principle offices of the Boards of Review (see map for areas covered by each board).

NEW YORK STATE DEPARTMENT OF STATE
UNIFORM FIRE PREVENTION AND BUILDING CODE
BOARD OF REVIEW
ALBANY, NEW YORK 12231

PETITION INSTRUCTIONS

The numbers below correspond to the item numbers on the petition form.

1. The petitioner is the same one who signs the form.
2. Indicate whether the petitioner is the owner, builder, architect, leasee, etc.

   Attorneys, engineers, agents and representatives appearing on behalf of any person, firm, corporation, or association for which they receive a fee must file a notice to that effect as required by Executive Law Section 166. A simple letter so stating is sufficient.
3. State the actual location of the property, not a mailing address. For a property located in a village or city, give the city or village name. For a property *not* located in a village or city, give the town name. If a property has a name such as "Municipal Tower", include that name.
4. The name given here will be used to identify the petition in public notices and nother correspondence. Commonly this will be an agent or representatives client or principle.
5. Your property tax map number can be obtained from the local assessor.
6. It is important to provide complete information in this section to insure that affected parties are notified.

   B– If architects or engineers are involved in this matter, include their names and addresses.

   C– Give the name and address of the primary code enforcement agency involved in the subject of your petition.

D– If there is a separate fire inspector or fire marshal not listed in C, provide this information.

E– The name and address of your fire department should be available from your code enforcement official or municipal clerk.

F– Include here civil organizations such as historical societies or societies for the disabled; government agencies not otherwise listed; neighbors, tenants; co-owners, or their association; or others whose interest may be affected by the property or subject matter in issue. There is no need to repeat any names and addresses which are otherwise provided in this question.

7. Your code enforcement official may be of assistance to you in providing the requested information. The Department of State can furnish on request, a free copy of the relevant code sections and information on purchasing a copy of the complete code.

8. Be sure to include copies of all applications, permits, certificates, orders etc. where they are relevant to the petition.

9. An appeal is a request for a Board of Review to review any order or determination, or the failure within a reasonable time to make any such order or determination, by an administrative official charged with the enforcement of or purporting to enforce the Uniform Code. A variance is a request to deviate from one or more provisions of the Uniform Code.

10. You should be as complete as possible in listing the code sections involved. Your code enforcement official may be able to assist you.

11. To obtain a variance you must make a showing which will permit a board to make a finding upon one or more of the six grounds stated in 19 NYCRR 440.4 and restated on the petition form. On a separate page or pages state the reasons which support your petition keeping the following points in mind. If you argue ground one, show by dollars and cents proof not that it is more expensive to comply but that the expense is burdensome to the point of being undue. If you arugue ground two, show how strict compliance would not obtain that provision's, not your, intended objective. If you argue ground three, show the origin of the competing policy and why the code should yield to that policy. If you argue ground four, fully describe the impediments and constraints to strict compliance and show why they cannot be overcome. If you check ground five, clearly state your proposed alternatives to the code requirement and show that they are equally safe and proper and do not substantially adversely affect provisions for health, safety, and security. If you check ground six, show that the incremental change required to comply results in an insubstantial advantage to the code's objectives.

12. Be sure to include copies of all relevant documents.

13. Ordinarily a Site Plan and Building Plans should be submitted with your petition. If you feel that your case can be adequately presented without plans, it is suggested that you call the Codes Division. Please note that the State Education Law requires that *most* such plans be signed by and stamped with the seal of a New York State licensed engineer or architect. Exceptions include agricultural buildings, renovations or additions costing under $10,000 and residential structures under 1500 square feet. If you are seeking relief based in part on the historical nature of your building, you should provide full documentation of any relevant designations.

14. The comparison should be made with the latest copy of the site plan or building plans which have been submitted to the code enforcement agency. Any difference should be explained. Attach additional sheets as necessary.

15. Include court actions, other actions as local zoning related requests whether approved or denied and especially other appearances before these boards.

16. All petitions to a regional board of review shall be accompanied by the following fees:

    (a) Petitions involving construction, alteration or renovation of residential or agricultural occupancies involving not more than one structure with no more than two dwelling units $25

    (b) Petitions involving construction, alteration or renovation of other buildings and structures:

        (1) Not more than 8,000 sq. ft. $50
        (2) More than 8,000 sq. ft. but less than 25,000 sq. ft. $150
        (3) More than 25,000 sq. ft. but less than 50,000 sq. ft. $250
        (f) More than 50,000 sq. ft. $500

    (c) Petitions invoving maintenance or use of buildings or materials and all other petitions not involving the construction, alteration or renovation of buildings and structures $25

Enclose a check, money order or voucher (government agencies only) for the appropriate fee paybale to the New York State Department of State.

34

39

UNIFORM CODE BOARDS OF REVIEW

40

NEW YORK STATE
DEPARTMENT OF STATE
UNIFORM FIRE PREVENTION AND BUILDING CODE
BOARD OF REVIEW
ALBANY, NEW YORK 12231

PETITION

No. _____
(office use only)

1. Petitioner's name, address, and telephone number:

_____

_____

2. Petitioner(s) relationship to the property in question:

_____

_____

3. Provide the following for the property in question:

A. Street Address:

B. County in which located:

C. City, Village, Town:
(if outside Vil.)

D. Property name, if any:

4. State the name of the real party in interest, the person or firm aggrieved:

_____

5. Tax map number of the property in question:

_____

6. Provide names, addresses and telephone as indicated below. Attach additional sheets if necessary. See instructions for further clarification.

A. Property Owner

B. Architect or Engineer (if any)

C. Code Enforment Agency
and Contact Person

D. Fire Inspector or Fire Marshal

E. Fire Department and Contact Person

F. Other Persons or Organizations with an Interest in the Petition

_____ Check here if additional sheets are attached for this item.

7. Project Description (Check and complete all statements which apply)

A. Building Status:

_____ In planning
_____ Work in progress started on / /
_____ Work completed on / /
_____ Does not involve construction, alteration or repair

B. Building Description (Refer to the listed parts of the Uniform Code:

Occupancy Classification (Part 701): _____
Building Use (Part 703): _____
Construction Type (part 704): _____
No. of Stories: _____ Max. Height: _____
Area of floor with largest area: _____ square feet
Gross floor area of the entire building: _____ square feet

C. Fire Limits (Refer to Part 706 of the Uniform Code:

_____ Within Fire Limits or _____ Outside Fire Limits

8. Permit/Compliance Status (Check and/or complete all statements which apply).

A. Building Permit:

_____ A permit was applied for on / / , and a copy of the completed application form is attached as exhibit no. _____
_____ A permit application was denied on / / , and a copy of the denial is attached as exhibit no. _____
_____ A permit was issued on / / , and a copy is attached as exhibit No. _____
_____ No formal determination has been received on the application for a permit.
_____ No permit has been applied for

B. Certificate of Occupancy or Compliance (C.O.):

_____ A C.O. was applied for on / / , and a copy is attached as exhibit no. _____
_____ A C.O. was denied for on / / , and a copy is attached as exhibit no. _____
_____ A C.O. was issued for on / / , and a copy is attached as exhibit no. _____
_____ No formal determination has been received to the application for a C.O.
_____ No C.O. was applied for

C. Orders or Citations or Denials (Check and complete)

_____ 1. A notic, appearance ticket, order or other citation has been issued alleging a violation of the Uniform Code at the property in question. A copy is attached as exhibit no. _____.

_____ 2. There is no official allegation of a violation of the Uniform Code involving the property in question, but it appears to the petitioner that there is or may be a violation which is further described below:

9. Indicate if the petition is an appeal and/or a request for variance. (Check one or both as appropriate. See instructions for definitions.)

   Appeal ____ Variance ____

10. Indicate the specific code sections which are the subject of the appeal of variance request.

11. Variance. (If applying for a variance, check and complete all statements which apply. If not seeking a variance, to to Item 12.)

    A variance from the sections described in Item 10 would entail practical difficulties, unnecessary hardship, or would otherwise be unwarranted because strict compliance (check the statements which apply):

    ____ 1. would create an undue economic burden for the reasons stated in exhibit no. ____.
    ____ 2. would not achieve its intended objective for the reasons stated in exhibit no. ____.
    ____ 3. would inhibit achievement of some other State or Federal policy for the reasons stated in exhibit no. ____.
    ____ 4. would be physically or legally impossible for the reasons stated in exhibit no. ____.
    ____ 5. would be unnecessary in light of alternatives which achieve the intended objective or which, without a loss in the level of safety, achieve the intended objective more efficiently, effectively, or economically, alternatives which are described in exhibit no. ____.
    ____ 6. would entail a change so slight as to produce a negligible additional benefit consonant with the purpose of the code for the reasons stated in exhbit no. ____.

12. Appeal. (Complete this item if making an appeal. If not making an appeal, go to Item 13.

    A. The following described order or determination, or the failure to timely make the following described order or determination, or the failure to timely issue the following described permit, authorization or other document is appealed:

    A copy of the order or determination is attached as exhbit no. ____.

    B. The order or determination should be reversed or modified or other relief fashioned so as to do justice between the parties for the reasons stated in exhbit no. ____.

13. Documents: (Please note Item 13 of Petition Instructions)

    ____ Exibit No. ____: Site Plan
    ____ Exibit No. ____: Building Plan
    ____ Exibit No. ____: Photographs Plan
    ____ Exibit No. ____: Documentation of Historic Preservation
    ____ Exibit No. ____: Additional information described as follows

14. If a site plan or building plans are included, are they the same as ones which have ben submitted to the code enforcement agency?

    ____ Yes
    ____ No – If no, explain below.

BEST COPY AVAILABLE

15. Previous Action

Has any previous application for relief related to the subject property been made to this or another board, administrative agency or officer, or court.

_____ Yes - If yes, describe the proceeding and include a copy of any determination issued.

_____ No

16. Enclose appropriate fee as per instructions and indicate amount below. Checks should be made payble to the New York State Department of State.

$_____

I, the petitioner in this proceeding make this application pursuant to 19 NYCRR 440 and affirm under penalty of perjury that the information furnished by me in support of this application is true and correct to the best of my knowledge.

Signed _____ Date _____

Nine copies of the petition form and supporting documentation must be submitted. Mail the material to the Codes Division, New York State Department of State, 162 Washington Avenue, Albany, NY 12231.